

Appl. No. 10/731,336
Amdt. Dated April 29, 2005
Reply to Office Action of February 10, 2005

Attorney Docket No. 81912.0017
Customer No. 26021

Amendments to the Drawings

The attached sheet of drawings includes changes to Figs. 11 and 12. This sheet replaces the original sheet including Figs. 11 and 12. In Figs. 11 and 12, the legend "Prior Art" has been added. In Fig. 12, previously omitted reference sign 110 has been added.

Attachments: Replacement Sheet
 Annotated Sheet Showing Changes

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-11 were presented. Claims 1-6, which are withdrawn from consideration as a result of a restriction requirement and election of claims 7-11, are canceled. Claims 7, 8 and 11 are additionally canceled, claims 9 and 10 are amended and new claims 12-32 are added. Accordingly, after entry of this amendment, claims 9, 10 and 12-32 are pending.

Specification

The abstract is objected to as disclosing a method of making the device rather than the structure of the device. In response, the abstract is amended to be directed to the structure of the device.

The disclosure is objected to for a misspelling of "first" at page 21, lines 14. In response, the specification is amended to correct the misspelling.

The title is amended at applicant's initiative to reflect the restriction of this application to the device rather than the method of making the device.

Drawings

Figures 11 and 12 are objected to under MPEP 608.02(g) for lacking a legend such as "Prior Art". In response, Figures 11 and 12 are amended to include the legend "Prior Art". The drawings are further objected to under 37 CFR 1.84(p)(5) for lacking reference sign 110. In response, Figure 12 is amended to include reference sign 110. A replacement sheet with the corrections to Figures 11 and 12, and an annotated sheet showing the changes, are enclosed.

Claim Rejections – 35 USC 112

Claims 7-11 are rejected under 35 USC 112, second paragraph, as indefinite. In particular, the Action asserts that in claim 7 it is not clear whether the first conductive type nitride based semiconductor is formed on the substrate, and whether the p-n junctions in lines 4 and 6 are similar. In claim 9, the Action notes a misspelling of "recesses".

Claims 7, 8 and 11 are canceled. Claims 9 and 10 are amended into independent form, including the limitations of base claim 7 and intervening claim 8. Amended claims 9 and 10 are written to address and correct the noted deficiencies under 35 USC 112.

Claim Rejections – 35 USC 102 and 103

Claims 7 and 8 are rejected under 35 USC 102(b) as anticipated by Hayashi et al. (JP 2002-016312). Claim 11 is rejected under 35 USC 103(a) as obvious over Hayashi et al. Claims 7, 8 and 11 are canceled, without prejudice.

Allowable Subject Matter

Claims 9 and 10 are indicated as allowable if rewritten in independent form and to overcome the rejections under 35 USC 112, second paragraph. Claims 9 and 10 are rewritten in independent form and, as discussed above, to overcome the rejections under 35 USC 112, and are thus in condition for allowance.

New Claims

New claims 12-32 are added to better define the invention and are submitted to be allowable over the art of record.

Conclusion

This application is now in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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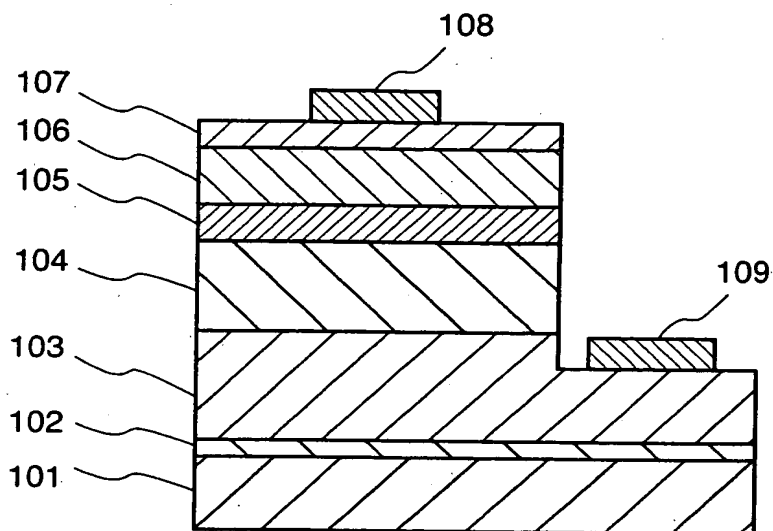


FIG. 11

Prior Art

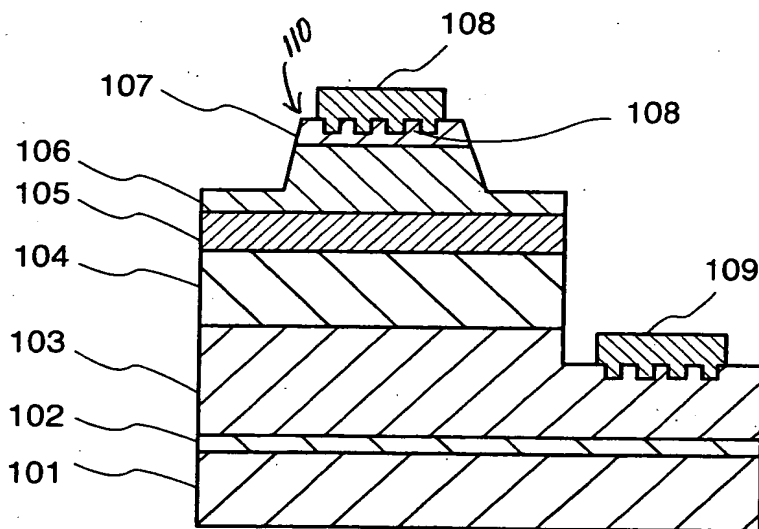


FIG. 12

Prior Art